**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WEB TELEPHONY, LLC.,

Plaintiff,

v.

BELL ATLANTIC COMMUNICATIONS, INC. (d/b/a Verizon Long Distance), et. al.,

Defendants.

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CIVIL ACTION NO. 2:07-CV-085 (DF)

JURY DEMANDED

DOCKET CONTROL ORDER

Step	Action	Rule	Due Date
1	Initial Case Management Conference	Patent L.R. 2-1 FRCP 26(f)	**September 10, 2007**
2	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions of a reasonable number of representative claims	Patent L.R. 3-1	**October 16, 2007**
3	Patentee makes Document Production Accompanying Disclosure	Patent L.R. 3-2	**October 16, 2007**
4	Initial Disclosures	FRCP 26(a)(1)	**October 19, 2007**

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5	Accused Infringer serves Preliminary Invalidity Contentions	Patent L.R. 3-3	**December 4, 2007**
6	Accused Infringer makes Document Production Accompanying Preliminary Invalidity Contentions	Patent L.R. 3-4	**December 4, 2007**
7	All parties make Exchange of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(a)	**December 13, 2007**
8	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and Court		**December 19, 2007**
9	All parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	Patent L. R. 4-1(b)	**January 9, 2008**
10	Deadline for early mediation at the Parties' request		**April 24, 2008**
11	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	Patent L. R. 4-2	**January 16, 2008**
12	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	Patent L. R. 4-2(c)	**January 30, 2008**

13	All parties jointly file Joint Claim Construction and Prehearing Statement	Patent L. R. 4-3	**February 4, 2008**
14	Deadline to join other parties without leave of Court, which shall be at least 60 days before the deadline for filing dispositive motions		**February 4, 2008**
15	Deadline to file amended pleadings without leave of Court, which shall be at least 30 days before the deadline for dispositive motions		**February 28, 2008**
16	Completion of Claim Construction Discovery	Patent L. R. 4-4	**March 5, 2008**
17	Patentee files opening claim construction brief	Patent L. R. 4-5(a)	**March 20, 2008**
18	Accused Infringer files responsive claim construction brief	Patent L. R. 4-5(b)	**April 3, 2008**
19	Patentee files reply brief on claim construction	Patent L. R. 4-5(c)	**April 10, 2008**
20	ONLY WITH LEAVE OF COURT Accused infringer files sur-reply brief on claim construction		**April 17, 2008**
21	Parties file Join Claim Construction Chart	Patent L. R. 4-5(d)	**May 19, 2008**

22	Pre-hearing Conference and technical tutorial if necessary		**May 28, 2008**
23	Claim Construction Hearing	Patent L. R. 4-6	**May 29, 2008**
24	Court's Claim Construction Ruling		On or about (3 weeks after 23) subject to the Court's scheduling and/or use of a technical advisor <DO NOT PUT IN A DATE>
25	Patentee makes Final Infringement Contentions	Patent L. R. 3-6(a)	On or about 30 days after claim construction ruling <DO NOT PUT IN A DATE>
26	Accused Infringer serves Preliminary Unenforceability Contentions		On or about 40 days after claim construction ruling <DO NOT PUT IN A DATE>
27	Accused Infringer makes Document Production Accompanying Preliminary Unenforceability Contentions		On or about 40 days after claim construction ruling <DO NOT PUT IN A DATE>
28	Accused Infringer makes Final Invalidity Contentions	Patent L.R. 3-6(b)	On or about 50 days after claim construction ruling <DO NOT PUT IN A

			DATE>
29	Accused Infringer makes disclosure relating to willfulness	Patent L.R. 3-8	On or about 50 days after claim construction ruling <DO NOT PUT IN A DATE>
30	Accused Infringer makes Final Unenforceability Contentions		On or about 60 days after claim construction ruling <DO NOT PUT IN A DATE>
31	Deadline for completion of all fact discovery, which shall be at least 90 days before the final pre-trial conference		On or about 80 days after claim construction ruling <DO NOT PUT IN A DATE>
32	Deadline for disclosure of expert testimony on issues for which a party bears the burden of proof	FRCP 26(a)(2) L.R. CV-26(b)	On or about 90 days after claim construction ruling <DO NOT PUT IN A DATE>
33	Deadline for disclosure of rebuttal expert testimony	FRCP 26(a)(2) L.R. CV-26(b)	On or about 110 days after claim construction ruling <DO NOT PUT IN A DATE>
34	Deadline for late mediation at the Parties' request		**December 1, 2008**
35	Deadline for completion of expert discovery		30 days after rebuttal expert testimony

36	Deadline for objections to other parties' expert witnesses		After 35
37	Deadline for filing dispositive motions, including motions on invalidity and unenforceability, which shall be at least 75 days before the initial pretrial conference		**December 16, 2008**
38	Deadline for filing all Daubert motions		**December 16, 2008**
39	Deadline for parties to make pretrial disclosures	FRCP 26(a)(3)	**January 16, 2009**
40	Patentee to provide to other parties its information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form		**January 16, 2009**
41	Defendant and Third-parties to Provide to Patentee their information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form		**January 16, 2009**

42	Parties to file Proposed Joint Final Pretrial Order, Proposed Jury Instructions, Joint Verdict Forms and Motions in Limine. Prior to initial pretrial conference, parties shall confer with each other regarding the other party's Motion in Limine, deposition designations, and exhibit and shall submit to the Court in writing any objections they may have to the other party's Motions in Limine, deposition designations, and exhibits.		**January 26, 2009**
43	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits		**February 11, 2009**
44	Final Pretrial Conference before Judge David Folsom		**March 2, 2009**
45	Jury Selection before Judge David Folsom		**March 3, 2009**

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